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## In Memoriam.

### EUGENE CASSERLY.

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## In Memoriam.

EUGENE CASSERLY.

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The Committee appointed on the 15th day of June, 1883, by the Bar of San Francisco, to prepare a memorial of the late Eugene Casserly, reported the following :

EUGENE CASSERLY was born at Mullingar, in the County of Westmeath, Ireland, in the year 1820. His father, who was a schoolmaster, well versed, like so many Irish schoolmasters of his day and generation, in the literature of Greece and Rome, emigrated in the first quarter of the present century to the City of New York. Here he presided for several years over a school of high reputation, and edited several classical text-books, well known at the time, and one of which received high commendation from no less distinguished a scholar than the late Charles Anthon.

Eugene, a precocious child, acquired under his father's tuition and discipline an acquaintance, which he never ceased to cultivate and extend, with the masterpieces of classical literature. During some years he ably assisted his father in the discharge of his scholastic duties; but at the age of twenty a crisis occurred in his life which induced him to leave the parental home, and pursue an independent career, relying on his own resources to obtain a livelihood. A mere student,

with the sensitive temperament which close intercourse with books, rather than with men, is prone to foster; possessed of no practical experience in those pursuits which constitute the business life of an active commercial community; diffident of his own ability to an extent that excited, sometimes the raillery, sometimes the remonstrance of those who knew him best; yet resolute and self-reliant, determined to owe no man anything—to shun the humiliating vassalage of debt and obligation—it need not be said that his first experience in the battle of life was one of hardship, poverty, and privation; borne, however, with unwavering firmness. At about this period in his life he commenced the study of law in the office of Mr. John T. Doyle, who had then recently been admitted to the bar; accepting such employment in literary and editorial work as occasionally presented itself. Mr. Casserly was admitted to the bar of the Supreme Court of the State of New York in 1844, and soon after that time formed a partnership with Mr. John Bigelow, which, however, was not of long duration, as Mr. Bigelow soon withdrew from practice, and accepted a position offered him by William C. Bryant on the editorial staff of the New York *Evening Post*. During that ordeal of expectation which Mr. Casserly, in common with every young member of the legal profession who commences practice alone, was destined to undergo, much of his involuntary leisure was devoted to literary and editorial labor. He was a correspondent of several newspapers, and assumed for a time the editorship of the *Freeman's Journal*, which he managed with signal ability. Political affairs, too, attracted his attention; he was an active member of the Democratic party, and took a lively interest in the contest which resulted, in 1844, in the election of Polk and Dallas. With the development of his vigor as a writer, and his sagacity as a politician, there arose a justly increased confidence in his own powers, and a marked recognition of his influence, indicated by the attentions he received from some of the ablest men in the legal and political circles of New York. At the age of twenty-seven he was appointed to the office of Corporation Attorney of the City of New York.

In 1850 Mr. Casserly left the City of New York, and arrived in San Francisco—which thenceforward became his permanent place of residence—in October of that year. Soon after his arrival he engaged in certain newspaper enterprises in San Francisco; but on the destruction of the printing offices and material in the great fire of May, 1851, he abandoned journalism, after a rather thankless and unprofitable experience in that line of industry.

In the winter of 1851 he was elected State Printer, an office from which he derived large emoluments, though it was his boast that the public printing was done more economically under his administration than under that of his predecessor or successor in office. On the expiration of his term of office, Mr. Casserly turned again to his profession, which he pursued with eminent success. About this time (1853) he married the daughter of Mr. John Doyle, whose family had also left New York and become residents of San Francisco. Mrs. Casserly and three children of this marriage union survive the late head of the family.

During the early period of the civil war, when doubt and hesitation were prevalent in many quarters as to the proper course to be pursued by the State of California in that great conflict; when some prominent political agitators denounced the Government as the aggressor in the strife, and others regarded the situation with the cold indifference of neutrality, Mr. Casserly assumed a prominent place among those wiser counsellors who insisted on the necessity of maintaining the constitutional rights of the Union, and of suppressing by force of arms the rebellion against its lawful authority. “*Distinct as the billows, yet one as the sea*”—such was his idea of the relation between the States and the Union.

In December, 1867, Mr. Casserly was elected by the Legislature of the State of California to the United States Senate, in the place of Mr. Conness, for the period of six years from March 4, 1869. The problem of the reconstruction of the

Union was then the most important question that occupied the attention of the country. It was beset with difficulties that seemed almost insurmountable. Mr. Casserly advocated on all occasions a conciliatory policy, as the most effective means of healing the dissensions of the past, and re-establishing the Union on a firm basis of amity and concord. Although the party to which he belonged was in a hopeless minority in the Senate, so far as mere numbers were concerned, his moral influence was felt, and his speeches were listened to with marked attention in that body.

After serving about three-fourths of his six years' term in the United States Senate, Mr. Casserly resigned his seat on account of ill health, and returned to San Francisco. He resumed, to a limited extent, the practice of his profession, but did not long continue it, finding more congenial employment in less exacting pursuits, and partaking more largely of the leisure which he had fairly earned by many years of laborious activity.

The last public service that he rendered to the State was in the capacity of delegate at large to the Constitutional Convention of 1879. Being essentially a conservative, he had little sympathy with many of the bold and startling innovations that were then advocated as improvements in our system of State Government. Study and observation had concurred to teach him the folly of rash experiments in legislation, and to convince him that

"The way of ancient ordinance, though it winds,  
Is yet no devious way. Straightforward goes  
The lightning's path, and straight the fearful path  
Of the cannon ball. Direct it flies and rapid,  
Shatt'ring that it may reach, and shatt'ring what it reaches.  
The road whereon the human being travels,  
That on which blessing comes and goes, doth follow  
The river's course, the valley's playful windings,  
Curves round the corn-field and the hill of vines,  
Honoring the holy bounds of property,  
And thus secure, though late, leads to the end."

During the last year of his life, increasing ill health confined Mr. Casserly very much to his own house. His powers gradually failed until, on the 14th of this month, he quietly passed away.

As a lawyer, Mr. Casserly was always zealous for what he regarded as the rights of his client, and persistent in the assertion of those rights under the various forms in which they could be most advantageously presented. His industry was one of the most remarkable of his endowments; his power of application was marvellous; he was never satisfied until he had thoroughly explored the subject under consideration, and exhausted every accessible source of information respecting it; "*nil reputans actum dum quid superesset agendum.*" His style of oratory at the bar was grave, thoughtful, and impressive. He sought rather to convince the reason by logic than to control the judgment by appealing to the passions of his audience. Yet there was a power in his measured, deliberate utterances, which is lacking in much that passes current as forensic eloquence.

As a political leader, he was not destitute of that sagacious insight which is the most essential attribute of statesmanship. Long before the Chinese question was regarded as one of any gravity—as early as April, 1868—he publicly pointed out the mischiefs that would inevitably result from the introduction of Chinese labor into California, and on a subsequent occasion declared that it would have been better that the Overland railroad should never have been built, than that thousands of coolie laborers should have been imported to construct it. So pronounced was his opinion on the impolicy of encouraging Chinese immigration, that when the American negotiator of the Burlingame treaty, which was concluded in 1868, was publicly entertained in this city, Mr. Casserly declined to attend the banquet given in his honor.

Mr. Casserly was blessed with a large capacity for intellectual enjoyment. A life-long student, his mind was richly

stored with treasures which the world of books had yielded to his research. He could appreciate the marvels of the sculptor's and the painter's art, the glowing creations of dramatic genius, the impassioned personations of the stage, and the grandeur and sublimity of nature.

Mr. Casserly was a man of very decided views, and he always possessed the courage of his convictions. His opinion once deliberately formed, he never hesitated, on any fit occasion, to express and defend it. No man had less of the sycophant or parasite in his nature. Though by no means insensible to the good opinion of others, he never stooped to obtain it at the sacrifice of self-respect. The popularity he desired was "that which follows, not that which is run after." If not beset by "troops of friends," he had at least a sufficiency, both of his own and of a younger generation, whom he had "grappled to his soul with hooks of steel."

In the various important positions, public and private, which Mr. Casserly filled, he never failed in the honest, faithful and satisfactory discharge of his duties.

In his domestic relations, he was singularly happy. But the inner life of the home circle is invested with a sacredness which should guard it from intrusion, even though the object may be to disclose the graces, the affections, and the charities which have made it their cherished abode.

In his religious convictions, Mr. Casserly was a steadfast adherent of the Catholic faith, and much esteemed by the higher ecclesiastics of the Catholic Church in the Archdiocese of California.

His earthly career is closed, but his influence, like that of every one who has contributed his quota to the aggregate of human action, is of perennial duration. As in the outer world, the lowest whisper that is breathed, the slightest motion that is made, effects a physical change which is recorded somewhere in the vast volume of nature, though no trace of it is

visible to us, so in the moral world every act or utterance, right or wrong, though we cannot define the scope of its operation, is a permanent contribution to that sum of mingled good and ill which is constantly descending, as a lasting heritage, to all future generations.

“ We men who, in our morn of youth, defied  
The elements, must vanish. Be it so!  
Enough, if something from our hands have power  
To live, and act, and serve the future hour,  
And if, as tow’rd the silent tomb we go,  
Thro’ love, thro’ hope, and faith’s transcendent dower,  
We feel that we are greater than we know.”

For the Committee.

WILLIAM BARBER,  
Chairman.

SAN FRANCISCO, June 18, 1883.









